

MINUTES OF MEETING OF WAREHAM CONSERVATION COMMISSION

Date of Meeting: July 17, 2019

I. CALL MEETING TO ORDER

The meeting was called to order at 7:00 P.M.

II. ROLL CALL

Members Present: Sandy Slavin, Chair
Mary Taggart
Elissa Heard
Jim Smith
Robert Lassen
David Pichette, Agent

Members Absent: Ken Baptiste
Mark Carboni, Associate

III. PRELIMINARY BUSINESS

A. Approve meeting minutes: July 3, 2019

To be handled later in the meeting.

NOTE: The meeting proceeded w/ item V. Continued Public Hearings.

A. NOI – Southcoast Hospitals Group, Inc., c/o Farland Corp. – SE76-2497

No-one was present to represent the application.

MOTION: Mr. Lassen moved to continue the public hearing for Southcoast Hospitals Group, Inc. to August 7, 2019. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

B. NOI – Ken Nelligan – SE76-2516

The applicant has requested a continuance of the hearing.

MOTION: Ms. Taggart moved to continue the public hearing for Ken Nelligan to August 7, 2019. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

NOTE: The meeting proceeded w/ item VI. Extension Requests.

A. Keith Amado – 312 Onset Avenue

Mr. Pichette stated this project was for the construction of an addition to an existing house in the buffer zone to a coastal bank. A one-year extension is being requested because the applicant has been unable to get the project started. He recommended the issuance of a one-year extension.

MOTION: Ms. Heard moved to grant a one-year extension for Keith Amado. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

NOTE: The meeting went back to item III. Preliminary Business.

A. Approval of meeting minutes: July 3, 2019.

MOTION: Mr. Lassen moved to approve the meeting minutes of July 3, 2019. Mr. Smith seconded.

VOTE: (3-0-2)

Ms. Taggart & Ms. Heard abstained

NOTE: The meeting proceeded w/ item VIII. Certificates of Compliance.

A. Steve Doire – 250 Barker Road

Present before the ConCom: Steve Doire

Mr. Pichette stated the project site is at 250 Barker Road. The project involved the removal of an existing cottage & construction of a new house. When the initial request for a COC was made, it was found that there were things done at the site that were not compliant w/ the OOC. The applicant was asked to correct the issues & restore an area with native vegetation that was not part of the original approval. That has been done. The issues have been addressed. He recommended the issuance of a COC.

MOTION: Ms. Heard moved to grant a COC for Steve Doire – 250 Barker Road. Mr. Lassen seconded.

VOTE: Unanimous (5-0-0)

IV. PUBLIC HEARINGS

A. NOI – Scott Blagden, Tr./Preserve Association Trust, c/o G.A.F. Engineering, Inc. – SE76-2550

The public hearing notice was read into the record.

Present before the ConCom: Brian Grady, G.A.F. Engineering, Inc.
Joe Wilozoski, 4 Preservation Lane
Wallace Frigon

Mr. Pichette described the project. The property is located at Lot 1000A off of Preservation Lane/Cromesett Rd. The project involves expanding an existing pier by adding additional floats & float piles to an existing structure w/in land under the ocean, land containing shellfish, & land w/in a coastal flood zone. The site is also w/in the estimated habitat of rare & endangered species. The existing pier, which is a common pier used by several homeowners w/in the Association, was permitted as a dinghy pier only. Conditions at the time of approval stated the pier was not to have vessels moored to it. The proposal now seeks to add additional floats to the structure to create slips to allow boats to be moored to the structure on a regular basis. Currently, the float at the end of the dock is 192 sq. ft. The proposal is to remove that float & add two 4x20 ft. floats & three 4x24 ft. floats for a total of 448 sq. ft. This is more than double the sq. footage of float area & is above the maximum allowed under the Bylaw which is 300 sq. ft. Four new 12 ft. piles would also need to be installed. This proposal would extend the structure out an additional 28 ft. There are also moorings in the area that would likely be affected by this proposed change. He asked where the floats would be stored in the off season. He asked what the maximum number of potential lots that could use the dock. Comments have not been received from the MA DMF, MA NHESP or from the Harbormaster. A DEP file number has been received. He recommended a continuance of the hearing for comments from other agencies.

Mr. Pichette noted that DEP stated this new project would most likely require a Chapter 91 license.

Mr. Grady stated the floats will be stored on an upland site further up the path or stored at a marina. There are six active members of the Association & ten lots. The remaining lots not part of the Association would have to buy into the Association & share the costs.

Mr. Grady stated the dock was originally approved as a dingy dock, but the Association members have had at least ten years using the pier & discussions & reviews were held to minimize the current proposal. He stated the project is only 50% over the Bylaw. They feel the Bylaw is silent on the 300 sq. ft. He feels this proposal is the minimum the Association could live with. He noted a safety factor in using the float system vs. using a dingy to get out to a boat for some of the members.

Mr. Lassen recalls a condition in the original permitting that stated no coming back for a larger dock. Mr. Pichette stated the original permit stated it was to be used as a dingy dock only. Mr. Lassen spoke re: originally the moorings & number of boats was an issue. Mr. Pichette stated ten or more boats constitute a marina according to Chapter 91. He stated it isn't known how many boats there will be. There are six members who will use the dock. It is assumed each family will have one boat. The moorings don't count. They are not part of the project.

Mr. Wilokowski stated four out of the six Association members have a boat. The other two have been members for 10 years & may or may not purchase boats. He spoke re: the proposed configuration allows for only six boats.

Ms. Heard stated the proposed configuration seems exclusionary. With ten lots & potential to join the Association, if the configuration allows for six boats only, the other people that may join the Association would be excluded from using the dock to store a boat. She feels this is outside her purview. Mr. Frigon stated when the residents purchased the property from Mr. Blagden, there was a value set on the dock itself & people could buy in at the time. He believes at the time, it was a \$15,000 fee. Not everyone paid this. Only six did. There are also annual dues to take the docks in as well. He believes the current cost to join the Association is far away from the value you would get for the property. Thus, one resident has said they will never join & the other two elected not to buy in & he doesn't anticipate them joining in the future.

Brief discussion ensued re: the channel near the proposed dock. Mr. Grady stated the dock won't interfere w/ the channel.

MOTION: Mr. Lassen moved to continue the public hearing for Scott Blagden, Tr./Preserve Association Trust to August 7, 2019. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

B. NOI – David & Susan Broderick, c/o G.A.F. Engineering, Inc.

The public hearing notice was read into the record.

Present before the ConCom: Bill Madden, GAF Engineering, Inc.

Mr. Pichette described the project. The property is located at 14 Widows Cove Rd. This NOI is being filed in response to an Enforcement Order that was issued for the unpermitted alteration of a coastal bank & the installation of a stone revetment on the coastal bank. A cease & desist order was issued when it was discovered that a stone revetment was being installed in the coastal bank at the site. Also, some existing boulders on the beach were moved around & small chink stone was dumped in between the boulders. None of this work was permitted. Work ceased & then Mr. Madden of GAF Engineering came in response to the Enforcement Order representing the owner about the violation. At that discussion, the ConCom requested that an NOI be submitted for the restoration of the altered coastal bank. Instead, the NOI submitted is seeking to keep the stone revetment in place & add to it. It also proposes to loam & seed a flat area that was created by removing a portion of the coastal bank. The coastal bank was vegetated & stable prior to the unpermitted work that took place. Mr. Pichette stated it is his recommendation that a plan be submitted that shows a restoration of the coastal bank to its previous condition & that the stone revetment be required to be removed. He recommended a continuance of the hearing for revised plans showing the restoration of the coastal bank by restoring the slope & re-vegetating the slope w/ native vegetation. If the applicant chooses not to do this & wants to go forward w/ trying to permit the stone revetment, he recommended the ConCom deny the proposed project. A DEP file number has been issued for the project.

VI. EXTENSION REQUESTS

A. Keith Amado – 312 Onset Avenue (DONE)

VII. ENFORCEMENT ORDERS

VIII. CERTIFICATES OF COMPLIANCE

A. Steve Doire – 250 Barker Road

This item was already handled at a previous meeting.

B. Cloutier Family Trust – 69 Agawam Lakeshore Dr.

Mr. Pichette explained this is a site that is on Agawam Mill Pond. A concrete ramp was put in 20 years ago & was not permitted. The ConCom entertained an after the fact NOI application which was approved. There is another for a wall. He recommended approval of both COCs.

MOTION: Mr. Lassen moved to grant the two Certificates of Compliance for Cloutier Family Trust. Ms. Heard seconded.

VOTE: Unanimous (5-0-0)

IX. ANY OTHER BUSINESS/DISCUSSION AND/OR VOTE

A. Discussion: Reappointments

B. Discussion: Conservation Restriction/Stewardship

C. Discussion: Bills

NOTE: Mr. Pichette stated recently, the ConCom approved a project on Canedy St in Rose Point. The architect came in w/ a footprint, but it is outside the box in one area & inside the box in another. The shape is different than the box approved, but the same sq. footage. The architect wants to know if it is ok. He doesn't feel the change is significant. There is no significant impact to wetlands. Brief discussion ensued how to proceed. The ConCom concurred to have a modified plan submitted.

Ms. Slavin stated she has asked Mr. Pichette to see what is used to wash the fire apparatus & what the non-profits use for car wash fundraisers. The soap goes into the stormwater drains & could potentially impact the river.

X. ADJOURNMENT

MOTION: Ms. Heard moved to adjourn the meeting at 8:10 P.M. Ms. Taggart seconded.

VOTE: Unanimous (5-0-0)

Date signed: 8/7/19

Attest: S S Slavin

Sandy Slavin, Chair

WAREHAM CONSERVATION COMMISSION

Date copy sent to Town Clerk: 8/8/19